



CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301
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M. KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-51 for Collier Village Rezoning

DATE: April 17, 2014

AN ORDINANCE BY COUNCILMEMBER YOLANDA ADREAN TO REZONE CERTAIN PROPERTIES WITHIN THE COLLIER VILLAGE FROM VARIOUS DISTRICTS TO VARIOUS DISTRICTS TO IMPLEMENT THE COLLIER VILLAGE BLUEPRINTS PLAN.

FINDINGS OF FACT:

- **Property location:** The Collier Village area of this rezoning encompasses an area which is triangular in shape which fronts both sides of the Howell Mill Road and both sides of the Collier Road and bounded to the south and west by I-75 while wholly encompassing Emery Street and Beck Street. It is located the southern portion of the neighborhood known as Wildwood and western portion of the neighborhood known as Channing Valley in Neighborhood Planning Unit C and Council District 8.
- **Property Size and Physical Features:** The subject area is comprised of approximately 40 parcels totaling approximately 54.4 acres (0.085 square miles) of predominately improved properties. There is limited vegetation with the most notable exceptions following the I-75 right of way, landscaping buffers in and around parking lots in the southwestern portion of the area and smaller landscape buffers to the east of sites along the eastern side of Howell Mill Road. There is some topography which generally falls from Howell Mill Road to both the east and west having the most precipitous drop near I-75 in the far west along an drainage area and intermittent creek.
- **CDP Land Use Plan Designation:** Current land use designations include Low Density Commercial along both sides of Howell Mill Road, Medium Density Residential west of

Emery Street and south of Howell Mill Road and Office-Institutional also west of Emery Street near I-75. No CDP land use changes are necessary.

- **Current/past use of properties:** The Collier Village area is currently comprised of a wide variety of land uses including a substantial portion of commercial purposes including retail and personal services, grocery, indoor and outdoor eating and drinking, automotive repair, gas fueling, banking and other institutional uses including a post office, places of worship along with multi-story office and multi-family residential uses in existence and under construction. The proposed rezoning will not change the current use of the properties.
- **Surrounding Zoning and Land Uses:** The subject area is surrounded by properties of a variety of land uses and zoning. Both the northeast and east are zoned R-4 with Single-Family Residential land use developed predominately with such uses; however, including a small public park known as Ellsworth Park at the northeast intersection of Howell Mill Road and Collier Road. To the south across I-75 following the Howell Mill Road corridor is zoned C-1 and C-1-C with Low Density Commercial land use developed with various small and large commercial retail, restaurant and medical office uses. To the southwest across I-75 are zoned R-4 with Single-Family Residential land use developed predominately as such known as the Underwood Hills neighborhood. Within it is a large public park known as Underwood Hills Park. To the west across I-75 following the Collier Road corridor is RG-2, RG-2-C, RG-3 and MR-3-C zoning all with Medium Density Residential land use developed with such multi-family residential uses. Also, there are a few small lots of R-4 zoning with a Medium Density Residential land use some of which are developed and a large tract of I-1 zoning with a split Medium Density Residential and Industrial land uses developed with office, recreational and warehouse retail tenants.
- **Transportation System:** The area is well served to automobiles with Howell Mill Road classified as an arterial street and Collier Road classified as a collector street; both of which eventually connect to the another collector known as Defoor Avenue. MARTA services the area along Howell Mill Road with bus route #12. Unfortunately, the area is less well served to pedestrians and bicyclists typically with narrow or no sidewalks nor any bike lanes-despite this stretch of Howell Mill Road being classified by the City as a Core Bicycle Connection. The proposed rezoning will have little impact on the overall operation of the transportation system except upon development for the opportunity to improve bike and pedestrian provisions via wide tree lined sidewalks and bike provisions.

PROPOSAL:

In 2008, NPU-C along with the Councilmember and area stakeholders sponsored the development of the *Collier Village Blueprints Plan* in conjunction with the Georgia Conservancy in which to provide strategies and recommendations to address transportation, land use, zoning, urban design, open space, and the environment to promote quality growth. In 2013 a update was made of this *Collier Village Blueprints Plan* by these same parties that was adopted by City Council into the Comprehensive Development Plan (CDP) in December 2013. A primary recommendation of the *Blueprints Plan* is to rezone multi-family and commercial zoned parcels to corresponding Quality of Life zoning districts, namely Multi-Family Residential (MR) and Mixed Residential Commercial (MRC) consistent with the vision and recommendations set forth

therein. Specifically, this proposal would rezone current C-1 and C-1-C zoned sites to MRC-1 and MRC-2 categories with conditions, rezone an RG-3 site to MR-3, and provide conditions to a current unconditional O-I site for consistency in streetscape.

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The rezoning does not propose any specific development. Also, no modifications to underlying land uses are contemplated. Therefore no CDP land use changes are proposed.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**
There would be no predictable effect on public facilities and services, since the rezoning would not result in a specific development project. However, conditions are recommended to preserve six (6') of right-of way along Howell Mill Road which Staff believe only can allow for the improvement of public facilities and services in the area. Moreover, no density increase is contemplated so infrastructure will be accessed and utilized as each project is proposed and built. As such, Staff notes existing public infrastructure and services are deemed adequate to serve future uses.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since no development project is being proposed, these considerations are not applicable. However, it should be noted that the proposed zoning regulations and conditions do not propose an increase in density (rather only restrictions in height and certain auto-centric uses) therefore, Staff is of the opinion that density and uses could be more easily maintained in balance.
- 4) **Effect on character of the neighborhood:** Since no development project is being proposed, these considerations are not applicable. However, Staff recognizes these rezoning regulations allow mixed uses and emphasize creation of a unified pedestrian-oriented built environment that improves the appearance of streets, streetscapes and public facades which businesses, residents and property owners desire. Thus, the character of neighborhood could only be improved.
- 5) **Suitability of proposed land use:** Since no change of land use is being proposed this consideration is not applicable.
- 6) **Effect on adjacent property:** Since no development project is being proposed, this consideration is not applicable. Yet, Staff observes that the proposed zoning regulations require adherence to new height maximums, restrictions on certain auto-centric uses as well as transitional height planes, yard and screening requirements if bordering single-family residential zoning. Taken together these are only expected to have a positive effect on adjacent properties.
- 7) **Economic use of current zoning:** Since no development project is being proposed, this consideration is not applicable. Although, Staff has determined that the current zoning does have substantial economic uses, because these zoning regulations allow for more unified pedestrian-oriented built environment it is expected that the market value of properties in the

district could only increase, whereas surrounding would also increase because of the opportunity for improved aesthetic of convenient and accessible goods and services.

- 8) **Compatibility with policies related to tree preservation:** The proposed legislation will not affect these requirements. Although, Staff notes that the proposed regulations include the provision of more pedestrian accessible open and public requirements as well as the provision of street trees provided adjacent to the curb.
- 9) **Other considerations:** This proposed Collier Village rezoning is in keeping with the *Collier Village Blueprints Plan* and builds upon other efforts in NPU-B and City of Atlanta to support a cohesive pedestrian friendly urban aesthetic including a mix of uses to serve the needs of the area while providing appropriate transitions from the surrounding residential neighborhoods. This is achieved here by the use of City adopted zoning regulations as well as a limited number of conditions to provide as properties are redeveloped consistent sidewalks, limit auto-centric uses, provide maximum heights and allow for future right-of-way improvements along Howell Mill Road. This would eventually transform this traffic choked automobile-oriented predominately commercial area to a revitalized mixed use neighborhood with pedestrian-friendly streetscape to serve the public interest.

STAFF RECOMMENDATION: APPROVAL ON A SUBSTITUTE ORDINANCE

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-56 for 1085 Ponce de Leon Avenue, N.E.

DATE: April 17, 2014

An Ordinance to rezone from the RG-3 (Residential General-Sector 3), C-1 (Community Business) and O-1 (Office Institutional) Districts to the MRC-2 (Mixed Residential Commercial) district.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 237 feet on the south side of Ponce de Leon Avenue at the southeast intersection of North Highland. The property is located in the Poncey-Highland Neighborhood of NPU N Council District 2.
- property size and physical features: The subject property of approximately 178,105 square feet with 237 feet of frontage is an irregular shaped lot that is currently developed with a church and several accessory buildings. Access to the subject property is provided via Ponce de Leon Avenue, Highland Avenue, Blue Ridge and Seminole Avenue. There are several stripped parking spaces located throughout the subject property. Topography varies and there are a few mature trees/shrubbery located throughout the site.
- CDP land use map designation: High Density Mixed-Use
- Current/past use of property: The site is currently the location of Druid Hills Baptist Church. Staff is unaware of any other uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: RG-5 (Residential General Sector 5) to the northwest, C-1 (Community Business) to the west RG-3 (Residential General Sector 3) to the south and RG-4 (Residential General Sector 4) to the east.
- Transportation system: Ponce de Leon is an arterial road that is serviced by MARTA.

PROPOSAL:

The applicant has proposed to rezone the subject property for the purpose of constructing a mixed use project with street facing retail, office space, religious facilities and a multi-family development.

Gross Land Area:	156,145 sq. ft.
Net Lot Area:	133,220 sq. ft.
Maximum FAR allowed (residential):	0.797
Maximum FAR (non-residential)	2.5
Proposed FAR (residential):	0.797
Proposed FAR (non-residential)	0.508
Minimum Useable Open Space:	62,458 sq. ft.
Proposed Useable Open Space:	67,175 sq. ft.
Proposed parking:	389 spaces

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the MRC zoning regulations.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed change of conditions does not impact the current land use designation of High Density Residential. Therefore, a CDP amendment is not required.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

Staff is of the opinion that the request to rezone the subject property for the purpose of a mixed use development would not create any issues that would negatively affect the balance of land uses in the area. The site is underused as there has been a decline in church attendance since most of the congregation is either deceased or no longer lives in the area. Therefore, Staff is of the opinion that no other land to be evaluated for the subject site plan amendment.

(4) **Effect on character of the neighborhood:** The immediate area is flanked by a mixture of uses including commercial, multifamily and single family. No negative effects are expected on adjacent properties. Only positive effects can result from new development opportunities in a neighborhood that currently promotes mixed use development. Additionally, the proposed development would support the recommendations of the Poncey-Highland master plan. Therefore, the addition of a mixed use development would serve to further redevelop

the area, in conjunction with other residential and mixed-use redevelopments projects that are currently under way on nearby sites.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** No negative effects are expected on adjacent properties. Currently the subject site is adjacent to multifamily developments, single family residences and commercial establishments that range in size and height. The proposed mixed use development would only compliment an area where development is prevalent.
- (7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change of zoning would allow for a more effective economic use of the subject property for the purpose of constructing a mixed-use development. The applicant has proposed to make improvements to the site which would promote a desirable live work environment. Furthermore, a mixed-use development would also be more suitable due to the multiple street frontages that offer access to pedestrians and residents.
- (8) **Tree Preservation:** It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. Site similar to Site Plan titled “DHBC – Site Redevelopment” dated February 18, 2014 and marked received by the Office of Planning on February 20, 2014. This site plan is not to prohibit the application of the district regulations.
2. Vehicular entry onto site from North Highland Avenue to be limited to right turn in and right turn out only. Final approval shall be determined by the Department of Public Works.
3. The following uses shall be restricted:
 - a. New and Used car sales. This is not to be construed to include other motorized vehicles such as mopeds and motorcycles.
 - b. Mixed Use storage facility.
 - c. Truck stops.
4. The following uses shall be permitted subject to the following conditions:
 - a. Park for hire parking decks and surface parking lots are permitted subject to site plan stamped received by the Office of Planning on February 20, 2014.
 - b. Personal service establishments (hair salons, barber shops, beauty supply, beauty school, nail salons, and similar uses) shall be separated by a minimum distance of 200 feet as measured from property line to property line from any similar establishment, with an exception that two or more such establishments within the same parcel shall be allowed.
5. The following uses shall require a Special Use Permit:
 - a. Clubs and lodges.
 - b. Mortuaries and funeral homes.
 - c. Eating and drinking establishments that receive an alcohol license as a nightclub.

6. Material Limitations:

- a. The following materials are prohibited: Exposed pressure-treated wood, vinyl siding, vinyl railing, solid vinyl windows, and exterior insulation finished systems (EIFS).
 - b. Building facades visible from a public right-of-way or a park larger than two acres shall be either brick, stone, cast stone, metal, poured-in-place concrete, hard-coat stucco, or smooth cementitious siding; however, such smooth cementitious siding shall not exceed 35 percent of any façade. All windows on such facades shall include window frames that are recessed a minimum of two (2) inches, except at recessed balcony conditions.
7. North Highland Ave. and Ponce de Leon Ave. shall be considered storefront streets and shall meet the following requirements:
- a. Site Restrictions: Drive-through service windows and drive-in facilities are prohibited.
 - b. The Storefront Treatment and resulting Storefront Space shall be occupied by a retail, eating or drinking, office, medical/health, education, child care, or institutional use. Residential uses are prohibited within Storefront Space, however, the following active uses, when accessory to a multi-family residential use, are permitted: lobby, leasing office, meeting or assembly space, or indoor recreation space. Relief from this provision (1.b.) may be granted through administrative variation in cases (1) of hardship, (2) where complying would exceed the non-residential FAR limit, or (3) where full compliance is impractical due to the shape or size of the parcel relative to the intended use.

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-02 for 169, 171, 175, 179, 181, 185, 191, 195, and 199 11th Street, and 1020, 1026 and 1030 Piedmont Avenue, and 180 10th Street

DATE: April 17, 2014 (*deferred from March 13, 2014*)

Applicant is seeking to rezone certain properties from the Midtown SPI-16 Subarea #2/Juniper Street Transition Area (JSTA), Midtown SPI-16 Subarea #2, Piedmont Avenue SPI-17, Subarea# 2 and Subarea #3 zoning districts to the Midtown SPI-16 Subarea #2 (JSTA) and the Piedmont Avenue SPI-17 Subarea #2 zoning districts for a new multifamily residential development comprised of three buildings (two connected) and accessory ground floor retail along 10th Street and at the corner of Piedmont Avenue and 11th Street.

Staff recommends a 30-day deferral to work with applicant on finalizing zoning conditions and an updated site plan.

STAFF RECOMMENDATION: DEFERRAL to a May 2014 hearing date.

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-14-03 for 2363 Burroughs Ave, SE

DATE: April 17, 2014

An Ordinance granting a Special Use Permit for a Personal Care Home for property located at **2363 BURROUGHS AVENUE, S.E.**

Staff recommends a deferral to a May public hearing to allow for proper posting.

STAFF RECOMMENDATION: DEFERRAL TO A MAY 2014 HEARING DATE.

cc: James Shelby, Commissioner, DPCD



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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-14-05 for 678 Moreland Avenue, N.E.

DATE: April 17, 2014

The applicant seeks a Special Use Permit (Section 16.09, 005 (1) (k)) for a Private School to operate in an existing building located at 678 Moreland Avenue, N.E.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 160 feet on the east side of Moreland Avenue and begins 60 feet from the northwest corner of Blue Ridge Avenue. The property is located in the Poncey-Highland Neighborhood of NPU N and Council District 2.
- **Property size and physical features:** The subject property is a 9,884 square foot site that is developed with an existing three story building. Ingress and Egress is provided via a driveway located off of Moreland Avenue which provides access to a parking area located on the south side of the subject property. The property is relatively flat and several mature trees are located in the rear and along the northern property line.
- **Current/past use of property:** The subject property was currently utilized as a multi-family development. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property is immediately adjacent to properties that are zoned the following: R-G3 (General (multi-family) Residential) and C-1 (Community Business).
- **Transportation system:** Moreland Avenue is an arterial street that is serviced by MARTA.

PROPOSAL:

The applicant is requesting a Special Use Permit for the “Montessori In Town” private school to operate in an existing building located off of 678 Moreland Avenue.

- a) **Ingress and egress:** Ingress and egress to the drop off and parking area is provided by a curb cut located off of Moreland Avenue. Clients exiting from the facility will be directed to make a right turn only onto Moreland Avenue. The applicant has indicated that the clientele usually carpool and/or walk to the facility therefore, travel to and from the facility will be minimal.
- b) **Parking and loading:** The applicant has indicated that the parking area can accommodate 12 parking spaces. Additionally, the site has a large turnaround ratio which will accommodate at least 8 cars in the carpool lane. Employees and service personnel can also utilize the available parking located onsite. Additionally, the applicant has proposed the following carpooling/drop off schedule: 8:15 – 8:45am, 12noon and 2:45-3:00pm. Employees will escort the children out of the vehicles and the vehicle will proceed out which will avoid any congestion.
- c) **Refuse and service areas:** Non-recyclable refuse will be placed in a dumpster that will be located on site in a location currently unknown. The applicant has indicated that a private company will pickup refuse on a weekly basis. Deliveries of any products and supplies will be made by staff. However, private delivery personnel and service personnel may gain access to the property via the driveway, park in the available parking lot and enter the property via the front entrance.
- d) **Buffering and screening:** A natural tree buffer currently exists in the rear. However, the applicant has indicated that an 8 foot fence will be installed along the southern, western and northern property line. The front of the property will also be secured by a 4 foot fence with a security gate. Any noise generated from the facility will be minimal and therefore should not impact the neighboring property owners. Additionally, light is not anticipated to emanate from the facility therefore, the applicant has not made provisions for additional buffering and screening. The applicant has also proposed a designated play and gardening area which will be located to the rear of the facility and along the north side of the building.
- e) **Hours and manner of operation:** The applicant will operate a Montessori day school Monday – Friday from 7:30am – 6:00pm. Approximately 14 staff members will be employed at the facility and will report for different shifts. The applicant intends to provide an educational facility which will assist with the emotional, social, physical and academic development of the students. The current enrollment for the school is 75 students who range in age from 3 to 9 years old. Each client (parent) is responsible for providing lunch and snacks for the students. Meals will not be prepared onsite. The facility will also offer parent education sessions, open houses and a fall event every year. Each of the activities will result in minimal vehicle traffic as most of the clientele reside in the immediate area.
- f) **Duration:** an indefinite duration has been requested by the applicant.
- g) **Required yards and open space:** The applicant has indicated that the required yards and open spaces will be met.

- h) **Tree Preservation and Replacement:** In the event that trees are removed on the subject property, the applicant has indicated that the City Arborist will be consulted.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The subject site one point of ingress and egress as well as 12 striped parking spaces. Parents may utilize the carpool/drop-off schedule and onsite parking to pick up and drop off their children without impeding traffic flow. Additionally, the existing driveway and parking will allow visitors, employees, deliveries and emergency personnel to access the site without impeding pedestrian safety, traffic flow or emergency access. Therefore, Staff is of the opinion that the proposed Ingress and Egress is sufficient.
- b) **Off-street parking and loading:** The site currently contains 12 parking spaces which provide enough parking for visitors and employees. Additionally, the children can be loaded and unloaded from vehicles utilizing the carpool/drop-off schedule. Each student will be escorted into the facility through the main entrance. Furthermore, emergency and service personnel will be able to park in the delineated parking area and utilize the main entrance to gain access to the facility. Therefore, Staff is of the opinion that the proposed off-street parking and loading areas are sufficient.
- c) **Refuse and service areas:** Use of a private company should be sufficient.
- d) **Buffering and screening:** The applicant has proposed the installation of an 8 foot fence along the southern, western and northern property line. Furthermore, a 4 foot security fence and gate will be installed along the front property line. Therefore, Staff is of the opinion that the applicant is providing adequate buffering and screening from adjacent properties.
- e) **Hours and manner of operation:** The applicant has proposed to operate a Montessori Day School Monday – Friday between the hours of 7:30am – 6:00pm. Staff notes that the Montessori In Town Day School has operated in the community/neighborhood at a different location for approximately 9 years. The children will be engaged in the community and will have a comprehensive and structured learning program. Therefore, Staff is of the opinion that the proposed hours and manner of operation are reasonable and the proposed day school appears to be suitable for the proposed location.
- f) **Duration:** Staff is supportive of an infinite duration.
- g) **Compatibility with policies related to tree preservation:** The applicant states all policies relating to tree preservation will be met.
- h) **Required yards and open space:** Required yards and open space shall be met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. The special use permit for a Private School shall be valid only as long as Montessori In Town is the operator.
2. Site Plan titled Montessori In Town dated January 23, 2014 and marked received by the Office of Planning on April 17, 2014.
3. The applicant shall install signage directing traffic exiting the facility to make a right turn only onto Moreland Avenue.

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-14-04 for 170 Chester Avenue, S.E.

DATE: April 17, 2014

An ordinance to rezone from the C-2-C (Commercial Service-Conditional) District to the R-5 (Two Family Residential) District, property located at 170 Chester Avenue, S.E.

Findings of Fact:

- Property location: The subject property fronts approximately 56 feet on the east side of Chester Avenue and begins 64 feet from the northeast corner of Fulton Terrace. The property is located in Land Lot 13 of the 14th District, Fulton County, Georgia. It is in the Reynoldstown Neighborhood of NPU-N, Council District 5.
- Property size and physical features: The subject property with 6,321 square feet and 56 feet of frontage is a vacant lot commercially zoned lot. Currently there is no vehicular access to the subject property. A retaining wall approximately 3 feet in height traverses the front property line. There are a few mature trees located on site and topography inclines from the front property line and levels off at the location of the proposed residence.
- CDP land use map designation: Low-Density Residential.
- Current/past use of property: The subject property previously contained a single family residence that was demolished in 2012. Staff is unaware of any other previous uses.
- Surrounding zoning/land uses: The lots immediately surrounding the subject property vary in shape and size and are zoned C-2-C (Commercial Service Conditional) to the east and south and R-5(Single Family Residential) to the north and west.

- Transportation system: Flat Shoals Avenue is a Collector Street that provides access to Chester Avenue. The area is serviced by MARTA.

PROPOSAL:

The applicant is requesting to rezone property located at 170 Chester Avenue from C-1-C to R-5 for the purpose of constructing a new single family residence.

CONCLUSIONS:

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed zoning classification is compatible with the current land use designation of Low Density Residential; therefore an amendment to the 15-year land use map would not be required to facilitate this use.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established residential and commercial corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

The subject parcel is currently vacant. The applicant has proposed to construct a single family residence that would be compatible with the surrounding area. Therefore, Staff is of the opinion that no other land needs to be evaluated for the subject rezoning.

(4) **Effect on character of the neighborhood:**

The immediate area is flanked by single family residences. No negative effects are expected on adjacent properties. Only positive effects can result from improvements to vacant and undeveloped parcels.

(5) **Suitability of proposed land use:**

Staff is of the opinion that the proposed request to rezone the property for the purpose of constructing a single family residence would be compatible with surrounding zoning and land uses.

(6) **Effect on adjacent property:**

Staff is of the opinion that the rezoning of the subject parcel to the R-5 zoning designation would not pose negative impacts to the adjacent properties. The parcels that immediately surround the subject properties are currently zoned R-5. Therefore, the rezoning of the subject parcels would provide a transition from commercial to residential.

- (7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change to the R-5 district would allow a more effective economic use of the subject property for the purpose of constructing a single family residence.
- (8) **Tree Preservation:** It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. Site Plan titled "170 Chester Avenue" dated September 2, 2013 and marked received by the Office of Planning on January 8, 2014.

cc: James Shelby, Commissioner, DPCD



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MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: **Z-12-036 for 3519 Roxboro Road**

DATE: April 17, 2014

The application seeks to rezone property from **R-3 (Single Family-Residential)** district to **RG-3 (Residential-General sector 3)** district, in order to allow for a development of four (4) single-family detached homes. Initially, the applicant was seeking a rezoning to MR-3 zoning district, later has changed the request to the PD-H and now asking for RG-3 zoning classification.

FINDINGS OF FACT:

- **property location:** The property (consisting of one tract) is located at the south-east corner of Kingsboro Road and Roxboro Road. The property lies within the limits of Ridgedale Park neighborhood, in NPU B and City Council District 7.
- **property size and physical features:** The property is approximately 0.5 acres and is developed with a single family residences. Topography varies on a north-west to south-east direction, from high at the corner of Kingsboro Road and Roxboro Road to low, in the south-east part of the property. At the east side, there is an existing sanitary sewer and storm sewer line. Also, at the south-east corner, there is a stream which carries a 75' undisturbed buffer.
- **CDP land use map designation:** The subject property has a land use designation of Medium Density Residential.
- **Current/past use of property:** Currently, the property is improved with one single family house.

- **Surrounding zoning/land use:** The property is surrounded at east and south by land zoned R-3 (Single-Family Residential). Directly across the street on Kingsboro Road, there is land zoned RG-3-C. Further north and south, along the east side of Roxboro Road, there are many other properties zoned RG-3-C. Also, along the entire east side of Roxboro Road, north and south from the subject property, there is a corridor with a land use designation of MDR (Medium Density Residential).
- **Transportation system:** Roxboro Road is considered an arterial street. Kingsboro Road is categorized as a local street, and no public transportation is available. However, MARTA bus route 23 runs along Roxboro Road, with transit connections to Peachtree Road to the north and east Paces ferry road to the south. Also, MARTA rail transit is available in the vicinity. Staff notes that Kingsboro Road is a one-way road only, east to west. At the intersection with Roxboro Road, there is a right-out turn only. There is no incoming traffic onto Kingsboro Road, from neither Roxboro northbound or southbound.

PROPOSAL:

This application seeks to rezone the subject property from the R-3 zoning classification to the RG-3 zoning classification for residential development.

CONCLUSIONS:

- **Compatibility with comprehensive development plan (CDP); timing of development:** The Comprehensive Development Plan designates the subject property as Medium Density Residential; therefore no amendment to the 15-year land use map would be required. There are no public projects/programs to conflict with the proposed timing of rezoning.
- **Availability of and effect of public facilities and services; referral to other agencies:** In spite of the fact that the subject property is developed with a single-family house and is part of a highly developed residential corridor, there is no indication that public sanitary sewer is not available at the subject location. There is existing sanitary sewer at both Kingsboro Road and Roxboro Road., however not along the street frontages of the subject property. The availability and capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sanitary sewer connections.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. However, staff notes that there is property zoned under the RG-3 classification in the vicinity of this property.

- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed residential development would not affect negatively the character of the neighborhood. The conceptual plan presented by the applicant is within the allowable limits of the RG-3 zoning district and the proposed development would enhance the appearance of the corner of Roxboro and Kingsboro with a better quality housing development. Also, located directly across the street on Kingsboro Road, there is a small townhouse development.
- **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land use.
- **Effect on adjacent property:** No negative effects are expected on adjacent properties. Additionally the development of the land will have to comply with the stream bank buffer requirements and thus protection of the natural environment will occur.
- **Economic use of current zoning:** The subject property has its economic use as currently zoned.
- **Tree Preservation:** Although a number of existing trees will need to be removed from the site, east and south portion of the property will retain existing tree coverage. The applicant will have to comply with the requirements of City of Atlanta Tree Ordinance.

Relevant Zoning Requirements for RG-3 zoning district, for Single-Family detached:

- Minimum lot: width = 50 feet; net lot area = 5,000 square feet.
- Minimum yard setback(s): full front yard setback = 40 ft; half-depth front yard setback = 20 ft; interior side yard setback = 7 ft; rear yard setback = 7 ft.
- Maximum floor area ratio: sector 3, up to 0.696 of gross land area.
- Minimum Total Open Space = 0.69 of gross land area.
- Minimum Useable Open Space = 0.40 of gross land area.
- Minimum Parking Spaces = 1 per house.

STAFF RECOMMENDATION: APPROVAL upon the following conditions:

1. The developer shall submit to the Office of Planning for review, before applying for a building permit, a streetscaping / landscaping plan to identify, at least, the following elements: sidewalks along the entire property street frontage, street trees, street lighting, landscaped buffer along the southern property line.

cc: James Shelby, Commissioner, DPCD



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KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-36 for 961 & 973 DeSoto Street

DATE: April 17, 2014

An Ordinance to rezone from the SPI-11 SA6/BL (Special Public Interest District: Vine City and Ashby Station Subarea 6/Beltline Overlay) District to SPI-11 SA8/BL (Special Public Interest District: Vine City and Ashby Station Subarea 8/Beltline Overlay) District for property located at (Single Family Residential) to the R-4A (Single Family Residential) District for property located at 961-973 DESOTO STREET, N.W

The applicant needs additional time to develop revised plans and reappear before their NPU, and has requested a deferral.

STAFF RECOMMENDATION: 60-DAY DEFERRA-JUNE2014

cc: James Shelby, Commissioner, DPCD



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MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-35 for 2140 Peachtree Road, N.W. (a portion of)

DATE: April 17, 2014

An Ordinance to rezone from the C-3-C/BL(Commercial-Residential-Conditional/Beltline Overlay) District to the C-3-C/BL(Commercial-Residential-Conditional/Beltline Overlay) District for the purposes of a site plan amendment.

On April 11th the applicant submitted a request for a deferral in order to amend the site plan and advertised legal description. Staff is supportive of this request.

STAFF RECOMMENDATION: DEFERRAL-MAY 2014

cc: James Shelby, Commissioner, DPCD



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Director
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-44 for 720 Donald Lee Hollowell Hwy; 646, 648, & 652 Echo Street, N.W.

DATE: April 17, 2014 (Deferred from February 20, 2014)

An Ordinance to rezone from the I-1 (Light Industrial) and R-4A (Single Family Residential) to the C-2 (Commercial Service) District for property located at 720 Donald Lee Hollowell Hwy; 646, 648, & 652 Echo Street, N.W.

The applicant needs additional time to develop a revised plan, and to discuss alternative options for the proposed project with the neighborhood and City staff.

STAFF RECOMMENDATION: 60 DAY DEFERRAL-JUNE 2014

cc: James Shelby, Commissioner, DPCD



KASIM REED
MAYOR

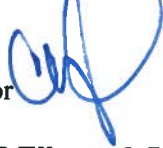
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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-52 1455 Fairmont Road, N.W., 1393 Ellsworth Industrial Boulevard, N.W.
and also known as Parcel Numbers 17-O188-0001-023 and 17-0188-0001-020
(now known as 17-0188-0001-024 and 17-0188-000-026)

DATE: April 17, 2014 (Deferred January 23 and March 13, 2014)

An Ordinance to rezone from the PD-MU (Planned-Development-Mixed Use) District to the PD-MU (Planned-Development-Mixed Use) District for purposes of a site plan amendment to allow for construction of up to 120 townhomes.

Staff is requesting a 30 day deferral to the May ZRB hearing to continue the evaluation of the proposal and its impact on existing conditions related to the current conditions of zoning and the original DRI Notice of Decision.

STAFF RECOMMENDATION: DEFERRAL-MAY 2014

cc: James Shelby, Commissioner, DPCD